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101ST CONGRESS
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SENATE

REPORT
101-503

FORT TOTTEN NATIONAL HISTORIC SITE

OCTOBER 5 (legislative day, OCTOBER 2), 1990.—Ordered to be printed

Mr. JOHNSTON, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany S. 2802]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 2802) to authorize the establishment of the Fort Totten National Historic Site, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE MEASURE

The purpose of S. 2802, as ordered reported, is to establish the 9.8-acre Fort Totten National Historical Site in North Dakota.

BACKGROUND AND NEED

Fort Totten was originally established as a military installation in 1867 in response to increasing hostilities between the Sioux Nation and western settlers. The fort was built at a location on Devils Lake within the Sioux Reservation to protect routes of travel and communication within North Dakota. From 1867 until 1880, the fort served as an important link in a chain of posts stretching from the Dakotas through Montana.

In 1890, the post was closed and the buildings were turned over for use as the Devils Lake Sioux Indian School. The school remained in operation for the next seven decades, before closing in 1959. Following the school's closure, the site was acquired by the State of North Dakota from the Department of the Interior and subsequently managed by the State Historical Society.

Fort Totten is currently administered as a North Dakota State Historic Site. The 9.8 acre site consists of a compound containing the former officers' quarters, commissary, magazine and store-

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house, offices, chapel and hospital, all dating from the late 1860's and early 1870's. The site also contains the school gymnasium, dating from the 1930's, and the site supervisor's quarters.

S. 2802 would provide for the state's donation of the site to the Federal government, with the fort to be administered as a National Historic Site.

LEGISLATIVE HISTORY

S. 2802 was introduced by Senators Conrad and Burdick on June 27, 1990. Similar legislation, S. 1322, was also introduced by Senator Burdick on July 14, 1989. The Subcommittee held a hearing on S. 2802 on September 20, 1990.

At the business meeting on September 26, 1990, the Senate Committee on Energy and Natural Resources ordered S. 2802, favorably reported.

COMMITTEE RECOMMENDATIONS AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources, in open business session on September 26, 1990, by a unanimous vote of a quorum present, recommends that the Senate pass S. 2802, as described herein.

The rollcall vote on reporting the measure was 19 yeas, 0 nays, as follows:

YEAS	NAYS
Mr. Johnston	
Mr. Bumpers	
Mr. Ford	
Mr. Bradley	
Mr. Bingaman*	
Mr. Wirth*	
Mr. Conrad	
Mr. Heflin*	
Mr. Rockefeller	
Mr. Akaka*	
Mr. McClure	
Mr. Hatfield*	
Mr. Domenici	
Mr. Wallop	
Mr. Murkowski	
Mr. Nickles*	
Mr. Burns	
Mr. Garn*	
Mr. McConnell*	

*Indicates voted by proxy.

SUMMARY OF THE MEASURE

S. 2802 authorizes the Secretary of the Interior to acquire the Fort Totten State Historic Site by donation from the State of North Dakota. The site is located on the Fort Totten Indian Reservation approximately twelve miles southwest of Devils Lake, North Dakota.

Upon acquiring the site, the Secretary, acting through the Director of the National Park Service, is to manage it as the "Fort Totten National Historic Site" in accordance with applicable law. Within two years after the date of enactment of this Act, the Secretary is to develop a General Management Plan for the site and transmit such plan to the Congress.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of the cost of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 28, 1990.

Hon. J. BENNETT JOHNSTON, Jr.,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed S. 2802, the Fort Totten National Historic Site Act, as ordered reported by the Senate Committee on Energy and Natural Resources on September 26, 1990. Assuming appropriation of the necessary sums, CBO estimates that the National Park Service (NPS) would spend $250,000 in fiscal years 1991 and 1992 to prepare the required management plan for Fort Totten. Costs to stabilize and repair structures at the site could be as much as $20 million; subsequent restoration and development activities probably would add substantially to these costs.

S. 2802 would authorize the Secretary of the Interior to accept the donation of the Fort Totten State Historic Site in North Dakota. Once acquired, this property would be designated a national historic site under NPS administration. Within two years of the bill's enactment, the agency would be required to submit a general management plan for the new park unit, including an assessment of development needs. Finally, Section 7 would authorize the appropriation of whatever sums are necessary to carry out the bill's purposes.

CBO estimates that the NPS would spend about $250,000 to prepare and submit the Fort Totten management plan by the end of fiscal year 1992, assuming appropriation of the necessary sums. We expect that the Fort Totten property, consisting of about 16 buildings on nine acres, would be donated to the government during fiscal year 1991. Upon acquisition, the NPS would require additional funds to stabilize and repair on-site structures. While structural and other needs have not been assessed formally by the NPS, CBO estimates that as much as $20 million could be necessary for these purposes. Assuming appropriation of the necessary sums, most of this amount would be spent during fiscal years 1991 through 1993. Beginning in fiscal year 1993, additional costs would be incurred over the following five years to restore the Fort Totten buildings and develop the site for visitor uses. Because many buildings must be reconverted to their historical uses, construction costs could be significant. Such costs would depend on the findings of the manage-

ment plan and therefore cannot be estimated at this time. Annual operating and maintenance costs are not expected to be significant.

Enactment of this bill would have no impact on the budgets of state or local governments.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis, who can be reached at 226-2860.

Sincerely,

ROBERT D. REISCHAUER,
Director.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of Rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 2802. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 2802, as reported.

EXECUTIVE COMMUNICATIONS

On September 12, 1990, the Committee on Energy and Natural Resources requested legislative reports from the Department of the Interior and the Office of Management and Budget setting forth executive views on S. 2802. These reports had not been received at the time the report on S. 2802 was filed. When the reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate. The testimony provided by the National Park Service at the Subcommittee hearing follows:

STATEMENT OF DENIS P. GALVIN, ASSOCIATE DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman, I appreciate the opportunity to provide your Subcommittee with the views of the Department of the Interior on S. 1322 and S. 2802, bills to establish the Fort Totten National Historic Site in the State of North Dakota.

We oppose the enactment of these bills.

S. 1322 would authorize the Secretary of the Interior to acquire the Fort Totten State Historic Site by donation from the State of North Dakota, and administer the property as a unit of the National Park System to be known as Fort Totten National Historic Site. S. 2802 is a virtually identical bill.

Fort Totten was built in 1867 and served to protect overland mail routes and the northern United States border until it was closed in 1890. The post was then transferred to the Department of the Interior for an Indian industrial school. It served as an Indian school for the Fort Totten Indian Reservation until 1960, when the Interior Depart-

ment transferred the 9.8-acre Fort to the State of North Dakota without cost for use as a State historic site.

In 1959, the Secretary's Advisory Board on National Parks, Historic Sites, Buildings, and Monuments, which is now called the National Park System Advisory Board, rejected a proposal to designate Fort Totten as a national historic landmark. This action was based on the fact that the Fort lacks national historic significance. The integrity of the site has been severely compromised by new construction. The integrity of the Fort complex itself has been impaired by the demolition of historic service structures. Moreover, the interiors of the remaining buildings have been heavily modified over the years and possess only minimal integrity.

In August 1959, the National Park Service recommended that the Interior Department transfer Fort Totten to the State. This was done in 1960. In 1966, the Governor and Members of the North Dakota Congressional delegation requested assistance in the restoration of Fort Totten, and some technical assistance was provided to the State Historical Society.

Also in 1966, a field survey of the Fort was done by the National Park Service at the request of a Member of the North Dakota delegation. The resulting report found that there were no consequential associations with significant people or events to qualify Fort Totten as being nationally significant. In 1966 and in 1969 the Park Service responded to proposals to make Fort Totten a unit of the National Park System by reiterating its lack of national significance and indicating that the matching grant program under the National Historic Preservation Act is the proper role for the Federal Government to play in the restoration of this property.

Mr. Chairman, we continue to believe that Fort Totten should not be made a unit of the National Park System. It lacks integrity necessary for national significance, and the theme it represents is already well represented in the National Park System. The President's budget for fiscal 1991 proposes $28.8 million for matching grants to States from the Historic Preservation Fund. The purpose of this grant program is to assist States in preserving historic properties such as Fort Totten. We believe that the State of North Dakota should continue in the ownership and operation of the Fort, with technical and financial assistance as appropriate, and within budgetary constraints, from the National Park Service.

This concludes my prepared remarks, Mr. Chairman. I would be pleased to answer any questions that you may have.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill S. 2802, as reported.

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